

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,402	TRACY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Dixon	3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/06.
2. ☒ The allowed claim(s) is/are 23-28,30-35,37-38, 40-43,45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Claims 23-28, 30-35, 37-38, 40-43, 45 are pending in the application, claims 1-22, 29, 36, 39, and 44 have been cancelled.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 8/11/03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 5,979,757 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Allowable Subject Matter***

3. Claims 23, 30, 38, 40, 43 are allowable.
4. The following is an examiner's statement of reasons for allowability.

As per Claim 23.

The prior art of record, specifically, Roach ('997) or Bianco (614) or Ruppert et al ('524) or PC EXPO or Internet Key to Link Key Services do not disclose or fairly teach:  
generating a list and transmitting the list via an e-mail message;  
storing the list in a user data file and associating the list with previous lists in the user data file;  
delivering the list to a portable shopping terminal corresponding to the user at the shopping facility.

As per Claim 30.

The prior art of record, specifically, Roach ('997) or Bianco (614) or Ruppert et al ('524) or PC EXPO or Internet Key to Link Key Services do not disclose or fairly teach:  
at least one kiosk that generates a customer list of items to be purchased by each of a plurality of customers; and  
a shopping list distribution communication device that delivers the customer list presented on the kiosk to the portable shopping terminal corresponding to the customer using the self scanning system.

As per Claim 38.

The prior art of record, specifically, Roach ('997) or Bianco (614) or Ruppert et al ('524) or PC EXPO or Internet Key to Link Key Services do not disclose or fairly teach:

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transmitting from a store computer to a home computing device a list of previously purchased items, the list of previously purchased items is generated at the shopping facility based on purchase history of the user;

transmitting the customer shopping list via an e-mail message to a store computer of the shopping facility;

storing the customer shopping list in a user data file on the store computer;

in response to a user request, transmitting the customer shopping list from the user data file to a kiosk for presentation to the user; and

thereafter, transmitting the customer shopping list to a portable terminal device of the user in a user perceptible format.

As per Claim 40.

The prior art of record, specifically, Roach ('997) or Bianco (614) or Ruppert et al ('524) or PC EXPO or Internet Key to Link Key Services do not disclose or fairly teach:

means for transmitting the list via an e-mail message to a store computer of the shopping facility;

a messaging communication having a receiver for receiving an electronic message generated by a customer comprising a shopping list of items to be purchased;

at least one kiosk for maintaining the shopping list of items to be purchased, the kiosk comprising a communication link with the messaging communication system for providing the shopping list based upon the message received from the customer;

a self-scanning system comprising an interface for the customer to select one or more items to be purchased using a portable shopping terminal to maintain an updated list of selected items.

As per Claim 43.

The prior art of record, specifically, Roach ('997) or Bianco (614) or Ruppert et al ('524) or PC EXPO or Internet Key to Link Key Services do not disclose or fairly teach:

means for transmitting the list via an e-mail message to a store computer of the shopping facility;

means for storing the list in a user data file on the store computer and incorporating the list with other list information in the user datafile;

means for communicating the list a portable shopping terminal used by a customer in the shopping facility.

The claims that depend from the above allowable claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

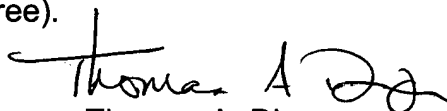
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

April 06